Pitt Hotham.
from the author
Sr. Wm. Theredith.

A

LETTER

ON THE

PRELIMINARIES

OF

PEACE.

" Tum flevisse debuit cum ademptæ Naves."

LONDON:

PRINTED IN THE YEAR MDCCLXXXIII.

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A

LETTER

ON THE

PRELIMINARIES OF PEACE.

Gad's-Hill, March 29, 1783.

SIR,

I Received the favour of your Letter, and am always happy in your correſpondence; but you propoſe ſome queſtions relative to the Peace, which, though aſked with great eaſe, cannot be anſwered without great difficulty. You deſire me to inform you,

Who made this Peace?
Was Peace abſolutely neceſſary? And,
How (I think) it will in future affect our trade and navigation?

In the moſt retired ſituation poſſible, and removed from the ſociety of all public men, I can ſay little of thoſe who brought it about. The oſtenſible agents are Mr. Fitzherbert and Mr. Oſwald; the one a Merchant, and formerly a Contractor; the other, a young gentleman who had a place

at

at Court, and is Envoy at Bruſſels. On the manner in which it was conducted I may trouble you with a remark, before I cloſe my Letter; but I am inclined to believe, that we owe this Peace much *leſs* to the neceſſity of things, than to the ſituation of Miniſters, and to the occurrences of the laſt ſpring in the Houſe of Commons.

THE war (as all our wars in the beginnings are) was moſt unfortunate in the hands of Lord North; but our preparations were fully made, and our navy brought to the higheſt pitch of ſtrength and glory, when the Overtures for Peace began. We then had every thing to hope for; nothing to fear; for by the removal of the armies from America to Jamaica, and the other iſlands, covered by a ſuperior and triumphant fleet, we became *impregnable* where we were moſt *vulnerable*; and in a ſituation not to ſtand on our defence alone, but to carry on *offenſive* operations with the faireſt proſpect of ſucceſs.

BUT it is ſaid, that our revenues are exhauſted, and our means to prolong the war *deficient*; and therefore Peace was deſirable *on any terms*.

BUT you will conſider, that, the American war being given up, our expences were reduced to a narrow compaſs. The fleet was all; and if it be true, that we cannot keep up a fleet already manned and on the ocean, miſerable are our proſpects for the time to come: but let us thank God, our ſituation is not ſo deſperate.

THERE are reſources ſtill remaining, if Miniſters have ability to find them out, and ſuch confidence of the Public as to draw them forth with chearfulneſs.—We ſhall feel our taxes leſs when we ſee them raiſed in fairneſs, and applied with integrity and wiſdom.

THE definition of a good peace is, That it is ſafe and honourable. How far this peace anſwers that deſcription, your own judgement will pronounce when you have examined the Articles.—But are we not premature in ſuppoſing that we *have* Peace?—No treaty with Holland is concluded. What

relates

relates to the Eaſt-Indies, is ſo far from *deciſive*, that in every clauſe there is an opening for future conteſt. The Americans have, indeed, accepted a ſurrender of our government, but have ſhewn no propenſity to eſtabliſh a fair and amicable intercourſe: and through the whole, it meets our obſervation, that whatever is given up, is clear and ſpecific; but what we retain is left doubtful. The danger is, that enough is done to induce our Government to diſband the forces; and after that, ſhould the war be renewed, our ſituation will be indeed critical.

TREATY WITH FRANCE.

NEWFOUNDLAND.

The 2d, 3d, 4th, and 5th Articles relate to the Fiſheries on the coaſts of Newfoundland, to which our ſorrowful attention is the more particularly called, as they were the main ſources of our naval ſtrength.—If I may cite our great poet, I would ſay, they are

> " The fountains, from the which our current ſprings,
> " Or elſe dries up." SHAKESPEARE.

The 2d Article allows the full right of the King of Great Britain to Newfoundland and the adjacent iſlands, *as the whole was ceded by the Treaty of Utrecht.*

It ſeems by this clauſe, as if Great Britain derived her right to Newfoundland from the conceſſions of France at the Peace of Utrecht. I muſt bring back to your recollection ſome circumſtances of that æra, to ſhew the reverſe is true. France owes all her pretenſions, even a participation in thoſe Fiſheries, to the lawleſs and traitorous conceſſions that were made by the laſt Miniſters of Queen Anne at Utrecht.——The ſole poſſeſſion of Newfoundland was acquired in the reign of Henry VII.——It remained excluſive and entire, till the 10th of Charles I. when (preſſed by his own neceſſities and his partiality to France) he ſold the French (for a duty of 5 per cent. on the profits) a liberty to fiſh on the coaſts of Newfoundland;

and from that very conceſſion the naval power of France is (I believe truly) dated.—Charles II. relinquiſhed the duty, and the French navigation was much encouraged and increaſed during his reign.

UNDER King William the effects began to be felt and underſtood; for the intelligent writers of that time attribute the navy which met our fleet at La Hogue to thoſe improvements in their fiſheries, which grew under the auſpices of the Houſe of Stuart. But in the 10th of King William, Newfoundland and the Fiſheries would have been for ever ſecured to Great Britain, if law could have made them ſo. An Act then paſſed, which declares the ancient and excluſive right; annexes the whole iſland to the immediate government of this country, by making all offences committed there triable in Great Britain, and giving every ſecurity to the property and intereſts of the ſubject there, which he enjoys at home.

AT Utrecht, however, the Miniſters made every conceſſion that France demanded, even after France had relinquiſhed every claim in the Fiſheries; for at the opening of the treaty Queen Anne informed the Parliament, that *France conſented to deliver up the iſland of Newfoundland, with Placentia; and to make an abſolute ceſſion of Annapolis, with the reſt of Nova Scotia or Acadia.*

BUT peace *on any terms* was neceſſary to the Miniſters of that day. This the French knew, and took their advantage of it. They re-demanded Cape Breton, though ſituated in Nova Scotia. It was given up, with a right to fortify it; and a pungent thorn it proved in the ſides of Great Britain.

LORD Bolingbroke bore the chief blame of that treaty; yet it appears from his letters to Mr. Prior, that he would never have yielded that point to France, had not the mandate of the Treaſurer finally ſettled it. In a letter to Prior Lord Bolingbroke ſays, "*The French chicane with us concerning* "*the moſt eſſential article of our treaty, and endeavour to elude an agreement made,* "*repeated, and confirmed. But we ſtand* (he adds) *on the brink of a precipice.* "*Robin and Harry may be hanged. We are at the criſis of our diſeaſe. We die* "*at once, or recover at once.*" But all expoſtulations on breach of faith were

were vain. Louis the XIVth had no principle that ſtood in competition with the grandeur and intereſts of France. He grew obſtinate as our Miniſters became flexible. The Commiſſioners ſtill heſitated on yielding up Cape Breton and the Fiſheries, till they ſubmitted to the authority of Lord Oxford himſelf, who gives the *true*, though *bad* reaſon; for he ſays, "*The people are five hundred to one for peace. The "Warriors* (meaning the Duke of Marlborough and the Whigs) *are driven "from their out-works. Their laſt retrenchment is delay; it operates much here. "The ferment begins to work; and it will be impoſſible to anſwer for the turn the "Houſe of Commons may take, if theſe delays provoke them further.*"

I HAVE dwelt the longer on theſe inſtances, becauſe they ſhew how dangerous the example is of every miniſterial act. They who made the peace of Utrecht betrayed their truſt, in ſacrificing the general good to their particular ſituations; they exerciſed a diſpenſing power, in the alienation of public, and the diſpoſal of private property, held by the ſtrongeſt tenure of common law, and confirmed by a ſpecial Act of Parliament.—But criminal as the conduct was, and reprobated as the memory is, of thoſe who made the peace of Utrecht, yet you ſee with what aſſurance the peace of Utrecht is taken for a precedent to guide the meaſures of the preſent time. The charge contained in the 13th article of Lord Oxford's impeachment, is, "That he had *treacherouſly* adviſed the Queen to give the French the liberty "of fiſhing, anddrying fiſh, on Newfoundland." During that war which was terminated at Aix-la-Chapelle in 1748, Cape Breton was taken by an American army raiſed in New England by the ardent zeal and love which the Americans then bore to England; and ſo ſenſible was the French Government of its loſs, that to regain it they relinquiſhed every other advantage of a ſucceſsful war.

BY the peace of 1763, that thorn was taken out of the ſides of Great Britain.

AND here let us pay our tribute to the memory of the great Earl of Chatham.—Perhaps we may not be miſtaken, if we aſcribe more attention

to

to the intereſts of his country, and more diſplay of the abilities of a conſummate Stateſman in that inſtance, than in the more ſplendid parts of his glorious adminiſtration.—*He* had no difficulty in ceding the rich and fertile iſlands that were conquered in the Weſt-Indies; but as to the Fiſheries, he was tenacious in the extreme.—He knew, that whoever commanded the Fiſheries poſſeſſed the dominion of the ſea.

But vanquiſhed, diſgraced, and exhauſted as France was, yet ſhe would not ſubmit to a total reſignation of the Fiſheries on the coaſts of Newfoundland.—Lord Chatham, was removed from the adminiſtration, and Lord Bute made peace through the medium of thoſe privileges (comparatively ſmall indeed to the preſent conceſſions) that were granted to their Fiſheries. But we muſt return to this ſubject, when we come to conſider the Treaty with America, where every advantage of the Fiſheries will probably hereafter center, except what the European Powers can inſure by their own laws to their own ſubjects.—The conſumption in France, from the numbers of the people, and religion of the country, is conſiderable; in England 'tis but little, yet that little is all ſhe will probably retain.—As far therefore as France and her dependencies exceed Great Britain in the conſumption of fiſh, ſo far will ſhe have a ſuperiority in the reſources of her naval ſtrength.

AFRICA.

The 9th Article reſtores Goree, Senegal, and their dependencies; and by the

Tenth, France guaranties to England the poſſeſſion of Fort James, and of the river Gambia; but as France retains Albreda, which is ſituated upon that river (the forts at both places are demoliſhed), that conceſſion is of no great uſe; for the right to the river Gambia, to be valuable, muſt be excluſive, as the natives prefer Eaſt-Indian to European manufactures; the one being as eligible to the eye, but the others ſtand waſhing better; which, in that hot climate, is the teſt of merit. As long as none but Engliſh veſſels reſorted, none but Britiſh goods were ſent thither; becauſe the

the credit which is given by the Britiſh manufacturer to the exporter, inſures a preference above Eaſt-India goods, which muſt be paid for in ready-money; but now the French have equal acceſs, a competition will ariſe; they will carry Eaſt-India goods; and if our ſhips don't carry them alſo, they will ſhare no traffic in the River Gambia.

In the 11th Article there is ſomething truly ridiculous; for it ſtipulates, that *the gum trade ſhall be carried on in future, as the Engliſh and French nations carried it on before the year* 1757. Our Miniſters, we muſt preſume, did not know that a French Arrêt iſſued November 2, 1751, prohibiting the exportation of Gum-Senegal to any foreign country, under the ſevere penalty of forfeiting ſhip and cargo, and paying alſo a heavy mulct. This Arrêt was renewed, and in force when the Engliſh took Senegal in 1758.

But the loſs of theſe ſettlements in Africa, is matter of congratulation more than regret; for they were expenſive, and the climate cut off moſt of the unhappy people who went thither. Our manufactures were ſupplied by ſmuggling; and perhaps would be better, without plenty of Gum-Senegal; for though it may yield profit to the manufacturer, it vitiates the manufacture *.

EAST-INDIES.

By the 13th Article, the King reſtores to France her former poſſeſſions in Bengal and Orixa, with a liberty to ſurround Chandenagore with a ditch.

By the 14th Article, France regains on the coaſt of Coromandel, Pondicherry, with two diſtricts that ſurround it; and Karical, with the addition of four contiguous Magans.

* There was a beautiful manufacture at Mancheſter called Moro, a compound of ſilk and cotton. A manufacturer by dipping the ſilk in Gum-Seneca, ſwelled the thread ſo, that one went as far as four. He under-ſold the other tradeſmen, who fell into the ſame practice. The ſtuff looked to the eye the ſame, but was ſo bad in proof, and ſo ſoon worn out, that the manufacture loſt its credit, and is now almoſt in diſuſe.

And by the 15th Article, the Fortreſs of Mahé, and the trading Comptoirs of Surat on the coaſt of Malabar are reſtored to France.

The King's Speech on the 5th of December laſt prepared our minds for the dereliction of his American dominions, but ſtill flattered us with the retention of a great empire in the Eaſt. His Majeſty tells the Parliament, that "*the regulation of a vaſt territory in Aſia opens a large field for their wiſ-*"*dom, prudence, and foreſight.*"

Regulations derive not their value from the concoction, but from the execution of them; and the black catalogue of enormities committed in the Eaſt Indies, proves that regulations of wiſdom, prudence, or foreſight here, cannot reach thoſe diſtant regions.—It bore the ſound of glad tidings, when we tranſmitted (what we called) the bleſſings of Engliſh laws, and the benefits of Engliſh juries, to an enſlaved and oppreſſed people; but the execution of them was tyranny. What can be more ſo than to ſubject men to laws which they know not; to die for crimes which they conceive not to be crimes; to be arraigned in a ſtrange language; be defended by advocates, and tried by judges and by juries, who can neither underſtand, nor be underſtood by them?—The firſt victim of theſe laws was an ancient Rajah, fourſcore and upwards, named Nuncomar; a man of high rank and great fortune, who once held the office of a Prime Miniſter. He was proſecuted for a forgery (though forgery is not reckoned a crime in that country) committed fourteen years before the Engliſh law was promulgated in Bengal. He was condemned and hanged.—Of many black murders perpetrated under the forms of law by Henry VIII. the moſt remarkable was that of an old Counteſs of Saliſbury, who came ſhaking her grey hairs upon the ſcaffold; yet, *her* ſufferings were confined to her perſon. But by the Gentoo laws the whole race of a man ſo executed becomes attainted for ever. This old Prince left a numerous family, who are, both themſelves and their wretched progeny after them, doomed from their very cradles to perpetual infamy and perpetual ſlavery.

Is it not Beccario who draws a proof of the ſuperintendence as well as goodneſs of a Divine Providence from this one circumſtance, that it nar-

rows

rows the limits of all human cruelty? For in countries where the torture is in practice, although a criminal may be condemned to die by the moſt exquiſite torments of the longeſt duration; though he may be ſentenced to have his joints all diſlocated, his bones all broken, his fleſh torn with hot irons, and boiling oil infuſed into his entrails; yet in the midſt of this horror, the lenient Power which made him, interpoſes with ſwooning, convulſions, or ſome other affections that annul all ſenſe of pain, and ſmooth the bed of death, even upon the rack itſelf.—Why then may we not expect, the ſame Providence will extend to millions that mercy which it ſhews to individuals?—The cruelty of a Nero went no farther, than, now and then, to cut off one great man who was formidable for his virtues, and another who was enviable for his riches; but, in the Eaſt Indies, millions upon millions have periſhed by famine, to ſatiate the avarice of ſome low-born, low-bred ſervant of a trading Company.

By the 13th Article, his Majeſty *engages to take ſuch meaſures as may be in his power for ſecuring to the ſubjects of France a ſafe, free and independent trade, ſuch as was carried on by the late French Eaſt India Company, whether it be carried on there as individuals or as a Company.*

During the continuance of the *late* French Eaſt India Company, the country was governed by its native princes. The French and Engliſh held their factories and ſettlements by grants from the Great Mogul. The good will of the inhabitants was the medium by which all European traders ſought to bring the choiceſt goods to their own market.

By the peace of 1763, France was reſtored to her poſſeſſions. But her fortreſſes at Malabar and on the coaſt of Coromandel having been demoliſhed during the war, the French Company had no funds to repair them at the cloſe of it.

Chandenagore was by the treaty never to be again fortified, nor a gun nor a ſoldier kept there. Once they began making a ditch, for the purpoſe (as they pretended) of draining the waters; but a party of Engliſh ſoldiers was diſpatched to fill it up again; and the work was ſtopped.

THUS circumſtanced, the French Eaſt India Company has deſiſted from all efforts to renew her commerce. To recover a ſafe, free, and independent trade, things muſt be brought to ſomething like the ſtate they were in, before the revolutions in favour of England took place; and we muſt revert to that period to judge what their power and dominion may again be, now the treaty has reſtored them to their former ground.

KARICAL was ſurrendered with the fulleſt rights of ſovereignty to Monſ. Dumas in 1741. It belonged to the King of Tanjore; when, on a diſputed ſucceſſion, the French interfered, and in return for placing an ejected Prince on the Throne, they acquired that part of his dominions. The French were much elated on this acquiſition; there is a particular hiſtory of it, entitled, *Memoires ſur l'Acquiſition de Karical*; and Monſieur Dumas boaſted, *That he obtained for his King the firſt ſovereignty that any European power had gained in India.*

FROM this taſte of empire, the ſucceeding Governors proceeded to the full enjoyment of dominion and power. In 1750, Monſieur Dupleix was declared Governor of all the country ſouth of the river Kriſtna, a territory as large as France; with all the ſtate and appendages of royalty, ſuch as the diſpoſal of all honours, preferments, rewards, grants, and penſions; and to compleat his monarchy, he aſſumed the ſole privilege of coinage; no currency being allowed in theſe provinces, but of money coined at Pondicherry.—In 1753, Mr. Buſſy obtained the full ſovereignty and entire revenues of ſix additional provinces, all fertile, rich, and abundant in manufactures; and it was in this ſtate of opulence and power that Monſieur Dupleix uſed frequently to ſay, *he would reduce the Engliſh ſettlements of Calcutta and Madraſs to their original ſtate of fiſhing-towns.*

HIS hopes were, however, diſappointed by the bravery, conduct, and fortunate exertions of the Britiſh forces; but, during the late ſuſpenſion of French government, a new power has ariſen in the perſon of Hyder Ally. By his own ability, and the natural ſtrength of his acquired dominions, aſſiſted and encouraged by the French, he has invaded the territories of Arcot, and ſhook the Engliſh eſtabliſhments to their foundation.—His army

army is perfect in diſcipline, inured to ſervice, and flushed with ſucceſs; his reſources are conſiderable; and there is a direct line of communication betwixt his kingdom and Pondicherry. He is the ally of France; and how ſoon their forces will unite, is to-day a ſubject of conjecture, but will ere long be hiſtory; and whenever that event ſhall happen, where is the barrier to reſiſt them? Mahommed Ally was ſeated on the throne of Arcot by the Engliſh, in oppoſition to the French Nabob. He had long been our firm ally. In union with his forces, aſſiſted by his revenues, and ſupplied in his territories, the Britiſh troops were enabled to wreſt the dominion of the Carnatic from France, and fix it in Great Britain. But Mahommed Ally is no longer in a ſituation to ſupport his allies; his army is diſbanded; his revenues are exhauſted; himſelf has quitted his capital, diſperſed his houſehold, and is reduced in his old age to live in an humble and dependent ſtate.—How this came to paſs, has appeared to the Committee of the Houſe of Commons, now ſitting on an enquiry into the conduct of the Company's ſervants in India.

In Bengal, there have been fewer revolutions, but the change of government more abſolute than in the Carnatic.—Aliverdi Cawn was the firſt who aſſumed an independent ſovereignty, on the diſmemberment of the Mogul Empire. His ſucceſſor was that Surajah Dowla who was murdered on the evening of the battle of Plaſſy, and his uncle Meer Jaffier placed upon the Muſnud. From that æra, Bengal has been governed as a province, and, ſince the introduction of the Engliſh laws, is in fact an Engliſh colony.

Whether French intereſt or French ſpirit will bear this government, time will ſhew; but it wants no argument to prove, that it is incompatible with that *ſafe, free, and independent trade* which the Treaty gives them.

Chandenagore is ſituated in the heart of Bengal, mid-way betwixt our great factories of Calcutta and Dacca. Before the late wars it was ſtrongly fortified, with a numerous garriſon and vaſt train of artillery. Theſe will be replaced; for a ditch, if directed by a ſkilful engineer, with cannon and muſketry, becomes a line of circumvallation, and will undoubtedly be

rendered an adequate ſtation, either for attack or defence. The natives may there find refuge from their oppreſſors. Even now, apprehenſions are entertained for the ſafety of Bengal from the Mahrattas. Theſe people are ready to accept any invitation to invade a country that promiſes as much booty as will compenſate the labours of a long march. No ſure treaty can be made with them; for the Mahrattas conſiſt of different nations, under different governments. To make a treaty with one part, is not binding on the reſt: but if advantageous terms are given to *one*, it will encourage another to make or threaten war, in hopes of obtaining the ſame advantages; and ſhould the war with France go on, or be renewed, theſe people will probably be called upon to aſſiſt in the final depreſſion of Britiſh power in India.

The 16th Article has ſown the ſeeds of new wars, ſuppoſing the preſent to ſubſide; and it contains an expreſſion, which ſhews that our negociators are not much acquainted with the hiſtory of India: for it ſtipulates, *that we are not to aſſiſt any one of theſe princes in diſpoſſeſſing another of his antient poſſeſſions*; whereas there are no ſuch things as antient poſſeſſions in that country; they are all of modern date. Before the invaſion of Kouli Khan, the Mogul Empire was entire: by his depredations, and the ſubſequent invaſion of the Mahrattas, who gleaned all that Shah Nadir had left, the government of Delhi was ſo bereft, that it could no longer controul its own ſubjects. The Soubahs and Nabobs in their different provinces, who were no more than the viceroys and lieutenants of the Mogul, then threw off their allegiance, and by rebellion and uſurpation erected themſelves into independent ſovereigns. Theſe events have happened ſince 1738, when Kouli Khan retired from Indoſtan.

By this 16th Article, though we are not to aſſiſt with arms, yet each nation (French and Engliſh) may interpoſe their *good offices*, for the accommodation of any diſputes that may ariſe among the Indian Princes.—The interpoſition of *good offices* implies taking a part on one ſide or the other. In diſputed ſucceſſions, conteſts are not decided by arbitration, but by the ſword; and interference will naturally lead to the aſſumption of arms in ſupport of the cauſe which either French or Engliſh patronize; and

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we know by experience, that the wars in the Carnatic of the laſt forty years, have all ariſen from the good offices of European powers in the concerns of the Aſiatic Princes.

THE late enormities committed in the Eaſt Indies, are the general ſubject of cenſure and declamation; but the real authors are thoſe perſons who patronized the men whoſe cruelties and peculations were firſt brought to the knowledge and contemplation of Parliament. Theſe men have found our great Lawyers ready to aſſiſt them, not as Advocates only, but zealous, as they are able, to ſupport their intereſt in Parliament, and in the Cabinet. Miniſters have ſtifled proſecutions, to avail themſelves of the influence ariſing from Aſiatic wealth; and it is notorious, that the Princes of the Eaſt have been plundered for means to corrupt our Weſtern Boroughs. Theſe facts have taught the ſervants of the Eaſt India Company, that their ſecurity depends upon their riches; and that they muſt apportion their peculations in India to the ſenatorial hands that are always open to receive the offerings of theſe modern Magi.

THE interpoſition of the Legiſlature has not only produced the worſt effects poſſible in India, but has been a great increaſe of miniſterial influence; for it was the Miniſter who introduced and conducted all the bills; who aſſumed all the extenſive patronage created by them in India; and who has availed himſelf of the powers they give over the tranſactions of the Company in Leadenhall-ſtreet.

I TRUST therefore you will not think me a bad citizen, if I own, that I ſee without ſorrow an approaching end of the Britiſh Empire in India. I lament ſincerely, that any part of the national revenues was made to hang on ſo infirm a ſtaple; but, convinced as I am that our Government there will perſevere in the exerciſe of tyranny and oppreſſion, I am free to ſay of the ſtate, as I would of an individual, *Better to periſh at once than ſubſiſt by rapine.*

TREATY WITH SPAIN.

WHATEVER advantages France might claim in the terms of Peace, yet ſurely it is difficult to account for the ample and important conceſſions that are made to Spain, diſgraced and vanquiſhed as ſhe was from the firſt entrance through the whole courſe of the war. By the ſecond Article ſhe retains Minorca; by the third ſhe gains Eaſt and Weſt Floridas; and by the fourth Great Britain gives up her trade and ſettlements on the Spaniſh Main; — and in return gets nothing but the ridiculous, becauſe worthleſs poſſeſſion of the Bahama Iſlands.

MINORCA was one of the brighteſt gems in the Crown of England. It afforded a ſtation for her fleets in the Mediterranean, where the Britiſh Flag always flying attracted the veneration and awe of the bordering nations; and whilſt ſhe had Gibraltar to command the Streights, the naval ſtrength of France was ſeparated from itſelf; the fleets of Breſt and Toulon could not unite without fighting their way through an Engliſh fleet; nor could the ſquadrons of France and Spain form a junction. The Mediterranean ſailors were forward to enter on board our men of war, and the uſual number gained was about 3000, which were of great importance at the outſet of hoſtilities. During the laſt war, indeed, we got none of thoſe ſailors, except what were caſually taken in enemy's ſhips, becauſe, (by what policy I could never underſtand) we had diſcontinued to keep a fleet in the Mediterranean.

ENGLAND ſtill keeps poſſeſſion of Gibraltar; but whether that fortreſs alone is of ſubſtantial benefit, and whether its conſequence did not depend on the joint advantages of the harbour of Minorca and a fleet, I am incompetent to judge.

THE FLORIDAS.

IT was too much the faſhion to depreciate every Article of the Peace of 1763. The acquiſition of the Floridas was held in contempt; and indeed their value never came into eſtimation whilſt we had the continent of America

rica to furniſh our Weſt-India Iſlands with neceſſaries, and our home manufactures with indigo.

On the abdication of America, thoſe eſſential articles might ſtill have been obtained in the Floridas; the want of them will appear when we come to ſtate the probable effects this Treaty will have on our general trade and on our iſlands.

Indigo may be raiſed in both the Floridas; but in Eaſt Florida there are ſome well-watered valleys peculiarly adapted to the perfecteſt cultivation of it. It requires an equal climate and warm ſoil. At St. Domingo they can raiſe four crops a-year; but on the Continent, the froſt, high winds, and changes of weather don't allow the planters to raiſe more than one crop certain, and ſeldom more than two.—In Eaſt Florida, as it lies betwixt the Atlantic and the Gulph of Mexico, and the trade winds blow over it, the climate is equal, and the ſoil being alſo ſuitable, it might at leaſt rival St. Domingo in the production of indigo. Some time ago ſamples were brought to England of indigo raiſed in Florida, and, upon experiment, it was found ſuperior both to French and Spaniſh indigo.

The fortreſs of the Havannah is formidable to all the European Powers that trade to the Weſt-Indies: 'tis a principal ſtation for the royal navy, and commands the entrance to the Spaniſh Main. Every veſſel that goes to Jamaica, not making the Windward Paſſage, muſt paſs that narrow, and in time of war *dangerous*, ſtrait betwixt Cape Florida and the Havannah. Had we retained Eaſt Florida, and fortified the great harbour of Santo Spirito, our trade would have been more ſecure, Jamaica itſelf in leſs danger, and our intercourſe with the Spaniſh Main might ſtill have been kept open.

West-Florida might, on emergencies, have ſupplied our Weſt-India planters with cattle, horſes, lumber, ſtaves, and other neceſſaries. By the Miſſiſſippi river a trade might ſtill have been preſerved with the Indians; whilſt lands might have been found to have afforded a ſettlement for ſuch of the American Loyaliſts as choſe to colonize there. In fact, many of

them had reſorted thither, who are again turned wanderers, and may ſay to the Britiſh government, " *Deeſſe terra in quâ vivamus ; in quâ moriamur* " *non, poteſt* *." The deſertion of the Catalans makes the 22d Article of the impeachment of Lord Oxford; but it could not provoke the indignation of liberal minds more than the deſertion of the Loyaliſts of America.

But the importance of this conceſſion of the Floridas, perhaps, did not fall within the knowledge of thoſe few perſons (ſuch as they are) who made the Peace. Nor did they ſeem to know the extent of what is given up by the 4th Article, which cedes the ſovereignty of Campeachy and Honduras, and with it the logwood trade. The logwood trade was in itſelf very important, as it furniſhed dyeing woods eſſential to our manufactures. So long ago as 1669 it employed one hundred ſail of ſhipping. By ſome accounts at the Board of Trade it appears, that from 1712 to 1716, the average of imports amounted to 4000 ton a-year,—valuable not only for their utility, but yielding (as all materials do) great profit in the conſumption. If Don Uſtaritz (the celebrated writer on trade in Spain) was rightly informed, the annual export of Britiſh goods to the Spaniſh Main was worth a million and a half. Logwood is brought from the province of Jucatan, a peninſula projecting betwixt the Gulph of Mexico and the Caribéan Sea. On the neck of the weſtern ſide is Campeachy, and on the eaſtern, directly oppoſite, is the Bay of Honduras. Of late years, our logwood has been brought from the Old and New Rivers in Honduras, and ſhipped off at St. George's Quay, which is ſituate on a ſmall iſland that projects into the Main.

In 1656, ſoon after the conqueſt of Jamaica, the Engliſh went to theſe places, and formed one ſettlement on the river Belleſe, in the Bay of Honduras; and others on three iſlands, called Triſt, Port-Royal, and Beef-Iſland, ſituate on Lake Terminos, in the Bay of Campeachy. At Honduras, where the Spaniards had never been, the Muſquito Indians received our firſt ſettlers with great cordiality, and ſwore allegiance to the King of England. The Engliſh fixed themſelves on the river Belleſe, built a fort, and hoiſted Engliſh colours :—and thus the diſtricts that border on that river became an appendage to the Crown of Great Britain.

* Tacitus.

THE Spaniards ſoon began to raiſe diſputes. In 1669, by order of the Secretary of State, Sir Thomas Lynch, Governor of Jamaica, was directed to examine into the nature of thoſe ſettlements.—He reports, that in 1656, the Engliſh had done every act that conſtitutes a right of poſſeſſion in firſt ſettlers;—viz. they had cut down and carried away produce, planted the ground, and built houſes;—that they had excluded the Dutch from trading there;—and that the American treaty in 1670, had removed all poſſible doubts; for it eſtabliſhed *the Poſſidetis Uti, with full rights of Sovereignty*, in all places held prior to that time;—that our ſettlements in the bay of Honduras and Campeachy were included in that treaty, having then been fourteen years in poſſeſſion. Sir Thomas adds, that the trade was then in a flouriſhing condition.

IN 1674, Lord Arlington directs Sir William Godolphin, the Ambaſſador at Madrid, to remonſtrate againſt the ſeizure and ſearch of Engliſh ſhips in the Bays of Campeachy and Honduras; for (he ſays) our ſettlements there are of *ancient right*.

IN the commercial treaty of 1713, to remove all doubts, the Spaniards engaged not to moleſt our trade or ſettlements, whether founded in *Right, Sufferance, or Indulgence*.

IT is needleſs to recite the depredations, ſeizures, ſearchings of the Spaniards, from the peace of Utrecht till the war of 1741. That war ended in the renewal of former treaties reſpecting our trade and ſettlements on the Spaniſh Main.

BY the treaty of 1763, (unfortunately and unprovidentially) it was agreed, that the forts ſhould be demoliſhed, but the trade and ſettlements to remain entire.

BY the preſent treaty the right of ſovereignty is abandoned.—The trade is to be ſuffered in ſome diſtricts, *to be fixed*; and houſes for the accommodation of thoſe who are to cut and prepare logwood, are to be built in ſome place *to be agreed on*.

THE

THE diſtricts therefore now fixed are to be changed, and the houſes and accommodations already raiſed muſt be delivered up to the new Sovereign.

WHERE that Sovereign may *ſuffer* the Engliſh to trade hereafter, or where build, is totally immaterial. In the firſt place, without ſole poſſeſſion, and without ſovereign rights, ſo as to exclude other nations, the trade will be of no uſe:—for the Americans, if they have acceſs to the coaſt, will carry it on with advantages much above the Engliſh; and even the Dutch would take it from us.——But the King of Spain, if he has the *will*, wants the *power*, to ſubſtitute any diſtrict in lieu of thoſe we give up. 'Tis ſaid that ſome place on the Muſquito ſhore is propoſed for the new ſettlement: but there is no logwood on that ſhore, and the whole coaſt of Jucatan is unwholeſome, being an entire moraſs, full of ſtagnated putrified waters; the fogs are ſo thick and conſtant, and the heat ſo intenſe, that no human being can live on any part of it, except on thoſe iſlands which were occupied by the Engliſh ſettlers. But the conceſſion of the ſovereignty is alone deciſive as to the excluſion. Whilſt England retained her rights of ſovereignty, the inſolence and barbarity of Spaniards are too much on record to want any recital. By the Spaniſh edicts all importations of Britiſh goods are prohibited.—What Spain heretofore inflicted by violence, ſhe may now execute of ſovereign right; and under ſuch correction no Engliſhman can hereafter trade to the Spaniſh Main.

AMERICAN TREATY.

THE American Treaty falls next into our conſideration.

THE 2d Article fixes the boundaries of the reſpective States, the line being drawn in moſt parts through the midſt of the great rivers. A river is certainly the moſt diſtinguiſhing limit of a kingdom, but the moſt vague and indeciſive in deſcribing the ſpace on which the ſeparate nations are to have the rights of navigation. For, in thoſe vaſt rapid torrents, a veſſel muſt run and tack to and fro, as the wind and tide drive her: then, if ſhe is blown or driven to one ſide more than the other, ſhe runs upon encroachments, and incurs the penalty of a pirate or a ſmuggler.

AND

And there ſeems no care to prevent any perſon of any nation from carrying on trade, fair or unfair, lawful or unlawful, in theſe boundaries; for, ſuppoſing a veſſel with a prohibited freight, if ſhe ſees an Engliſhman that may moleſt her, ſhe may croſs to the American ſide of the channel, where the Engliſh have no right to make ſeizure; or ſhe may run over to the Britiſh ſide, where the Americans have no juriſdiction.

Let us take no thought of what is given up by the American Treaty, but remember only that we retain Canada, with the fortreſſes of Quebec and Montreal. It may be worth an obſervation, that the boundaries are broken by the negociators of this Treaty, which were fixed by Act of Parliament, 14th Geo. III.

But is the poſſeſſion of Canada valuable for the climate and the ſoil, or for trade only? or, Are forts and garriſons uſeful to any purpoſe but that of protecting the perſons and properties of merchants who trade thither?

The trade conſiſts in the exchange of European manufactures for furs, which the Indians bring to the Britiſh warehouſes, and take goods in return. But to carry it on, it is neceſſary to poſſeſs the main paſſes, and have forts and garriſons to ſecure the merchants property as well as the perſons who are intruſted with the care of them. For this end, we raiſed and maintained a number of forts on the Ohio, theLake Champlain, the Miſſiſſipi, and other marts, at a vaſt expence; but all theſe are now given up, being comprehended within the limits of America. Without theſe ſtrong-holds, and without a command of ſome principal paſſes, no regular or extenſive commerce will ſucceed. Some hardy, bold adventurers may undertake caſual voyages; and the Americans themſelves may purchaſe Engliſh goods to exchange for furs; but the fortreſſes of Quebec and Montreal are not wanted for this purpoſe, nor are they uſeful in themſelves: I cannot therefore ſuppoſe, that thoſe eſtabliſhments are worth the great expence of ſupporting, for any advantages that Canada can now bring to the trade and navigation of Great Britain.

FISHERY.

THE 3d Article makes a conceſſion of a very ſerious and extenſive conſequence. It contains (in my apprehenſion) no leſs than a transfer of our Fiſheries to America; for it allows the Americans an equal right to all our Newfoundland-fiſheries, with *liberty to dry and cure fiſh in any of the unſettled bays, harbours, and creeks of Nova Scotia, Magdalen Iſland, and Labrador* *.

THEY had great advantages in conducting their Fiſheries before theſe conceſſions. A fiſhing-veſſel in New England coſts but 400l. whereas in Britain it coſts 1600l.

THEY could always get to the Fiſheries long before any Engliſh veſſels could arrive; but when they were obliged to go from New England, the voyages to and from the fiſhing-places were uncertain; ſometimes a fortnight, three weeks, or perhaps a month; and they were often forced back by gales of wind; on which accounts their early fiſheries were leſs conſiderable than their late ones; but now having a coaſt to reſort to, they may (in the early ſeaſons eſpecially) fiſh from five to twenty leagues off ſhore; ſo as to take ſhelter when the ſtorms come, land their cargoes, and be at ſea again in twenty-four hours. Thus ſituated, they will have made their firſt voyage to Europe, about the time our veſſels uſually arrive on the coaſt; and with the accumulated advantages of cheap out-fit, priority of market, and double voyages, make it impracticable for Europeans to maintain a competition with them; and fit out any veſſels except (as obſerved before) for home conſumption.

* There is a Proviſo at the cloſe of this Article, which only gives this *liberty ſo long as the ſame ſhall remain* UNSETTLED; but *ſo ſoon as the ſame ſhall be ſettled, it ſhall not be lawful for* THE SAID *fiſhermen to dry or cure fiſh at ſuch ſettlement, without a previous agreement for that purpoſe with the inhabitants or poſſeſſors of the ground.*

If I had the honour to know Mr. Oſwald, I would requeſt an explanation of this paragraph, which appears to delude us with an affectation of retaining ſomething, though every thing is given up.—For to enable the American fiſhermen to cure and dry fiſh, they muſt erect ſtages, build huts, and other conveniences, which will render them in fact the firſt ſettlers; and to make them pay for what they hold and enjoy, or attempt to diſpoſſeſs them, muſt create diſputes, and be found utterly impracticable.

STATE

STATE of TRADE and NAVIGATION.

HAVING troubled you with ſuch remarks as occur on the terms of the preliminaries, it remains to anſwer your laſt queſtion, *How thoſe terms will affect our trade and navigation?*

BUT whatever the future lot may be of our trade and navigation, it may with more propriety be imputed to the events of the war, than to the conditions of peace.

I CAN therefore only anſwer your queſtion by ſtating the different branches of our commerce, as it ſtands at this uncertain period.

LET us not conſider trade as it profits the merchant, but as it ſtrengthens the ſtate. Permit me therefore to bring to your recollection a ſentence of Sir Joſiah Child, whoſe ſcience was as perfect as his principles are irrefragable: "*This kingdom* (he ſays) *being an iſland, the defence whereof has "always been our Shipping and Seamen, it ſeems to me abſolutely neceſſary, that "Profit and Power ought jointly to be conſidered; for, if our forces at ſea "were to be impaired, it would expoſe us to the receiving all kinds of injuries "and affronts from our neighbours, and in concluſion render us a deſpicable and "miſerable people.*"

THE main branches of our commerce conſiſt of

THE Eaſt-India,—the Baltic,—Greenland,—Weſt-India,—and African trade,——Coaſt-trade,—and the Fiſheries. I do not mention Hudſon's-Bay, nor Canada; becauſe the one is eventually given up, the other loſt, and, if regained, of no great conſequence.

BY the Eaſt-Indies we are loſers in reſpect of ſeamen, for the ſhips of war that go thither, bury more than the trade furniſhes.

IN the Baltic trade, we include our commerce with Ruſſia, Denmark, and Sweden.

OUR

Our exports to theſe countries being very inferior, both in bulk and value, to our imports; the balance is againſt us. We bring from Sweden iron, copper, boards, planks, and other things to a great amount. From Denmark, we take timber, deals, ſpars, and iron. From Ruſſia, we have our naval ſtores, coarſe linens, and divers materials of manufacture, which are worked to good account: and there is a demand for Britiſh goods in the Empreſs's dominions. Could we carry on this Baltic trade in Britiſh ſhips, it would yield great ſupplies to our fleet. The ſpeculators upon trade have ſome of them recommended the ſecluſion of foreign bottoms; others have propoſed bounties upon imports in Britiſh ſhips; but I apprehend it muſt be left to its own courſe.—The principles of commerce are too much diffuſed throughout Europe, for one nation to bear being curtailed in her ſhipping by another. The idea of univerſal freedom in navigation was firſt ſtarted in Ruſſia; and every expedient to enlarge our own navigation at the expence of other powers, will be met by regulations on their part to counteract our projects.

The Greenland trade encreaſed during the war, and I hope will continue to do ſo; it breeds the hardieſt and moſt expert ſeamen in the world; but, as it can be carried on by ſuch mariners only as are well trained to the exerciſe of the harpoon, and are inured to the climate, ſhould too many ſeamen be deducted for the public ſervice, the trade itſelf would ſtop.

The Coaſt trade ought to be guarded with ſingular attention; for our coaſters, being always at hand, contain the ſeamen that are firſt brought into the royal navy.—But the coaſt-trade has been much impaired by inland navigations, and is ſtill diminiſhing.—New canals are in daily contemplation, and paſs through the forms of the legiſlature, without being conſidered as ſo many cuttings-off from the prop of our naval ſtrength.

Nor ought we to lay too much ſtreſs on ſuch exports and imports to and from ſeveral parts of Europe, as conſiſt of valuable cargoes of wro ught goods; for, though ſuch cargoes bring great profit to individuals, and great revenue to the ſtate, they are not prolific of ſeamen. 'Tis the freight of articles of great bulk and low price, that employs moſt ſhipping and moſt

moſt ſeamen ; whilſt a few veſſels and a few mariners will navigate immenſe cargoes of high-priced manufactures.

We gain no ſailors for the royal navy by the Eaſt-Indies, for more men die on the voyage, than the trade ſupplies.

The Weſt-Indies, though not an unhealthful ſtation, yet cannot be regarded as a nurſery of ſeamen ; for, perhaps, as many ſeamen die on board the ſhips of war on that ſtation, as are procured from the trading veſſels.

The African trade is of great extent and importance; and the more ſo now, as it forms a main link in the chain of our connection with the Weſt-Indies, where negroes are as much wanted as lumber.—The Guinea-trade employed ſeveral hundred ſail of ſhips, manned by above 3000 ſeamen ; and we uſed to calculate the annual exports at above two millions. It has been ſuſpended during the war, and many of the Guinea-men were turned to privateers. But the ſuſpenſion was, I believe, entirely owing to the war ; for the nature of the trade does not admit of going under convoy, and without convoy the rates of inſurance are too high. The ſhips do not go in fleets, each merchant having a ſyſtem of his own, and a peculiar diſtrict in which he ſeeks his freight of negroes. The greateſt merchants are they who have been bred to the trade, and who have riſen to be captains by their ability and merit. We may, therefore, hope to ſee this branch of commerce revive on the firſt dawn of peace. Nor need we apprehend any foreign rivals ; for to meet both the dangers of the climate, and the accidents they are expoſed to on the coaſt, requires a degree of courage, activity and perſeverance, that is only to be found in the heart of a Britiſh ſeaman.

In regard to our future commerce, a conſideration of great weight ariſes on the part of Ireland, eſpecially as our manufacturers are daily retiring from the capital, and are forming their eſtabliſhments in provincial towns, particularly at Mancheſter ; for the manufactures of Lancaſhire, and of the northern counties (except what go towards the Baltic), are ſhipped at Liverpool and Lancaſter ; thoſe of the weſtern counties at Briſtol. The veſſels generally touch at Cork, or ſome other port in Ireland ; and if no

 proviſion

proviſion is made againſt their taking in freight of foreign goods, nor againſt Britiſh goods being taken from thence in foreign bottoms, our trade and navigation may be very materially affected. But this is a matter for the Britiſh and Iriſh legiſlatures, in their *ſeparate* capacities, to adjuſt.

In ſurveying the remains of our commerce, it is a conſolation to obſerve, that America will detract from all the marine of Europe, as well as from Great-Britain. France will feel the dependence of her ſugar-colonies, and has as much to apprehend from the growth of an American navy as England.—What that navy may become, is a ſubject for future ſpeculation, not of preſent apprehenſion.—We are to conſider ourſelves in a comparative view with the ſtate of Europe as it now is; and in that light, I ſee no advantage againſt us, except (as is already noticed) what France may have in the Fiſheries by her own conſumption.—To find a balance to put in the ſcale of their own country, muſt be the object of our Miniſters. I am no projector; but it ſeems not improbable, that the old ſcheme of a Britiſh herring-fiſhery will again be ſeriouſly thought of. If it be fact (and I underſtand it is ſo) that the Dutch got it from us, merely becauſe the intereſt of money is lower in Holland than in England; it is clear, that a bounty proportionate to the difference, may re-build that great nurſery of ſeamen. Bounties ought ſeldom to be granted for mere commercial purpoſes; but when our rank as a maritime power is the end, no expence can be too great, and we ought to try all poſſible means to obtain it.

I cannot but lament, that the pruning-hook of reformation has cut off the Board of Trade entirely. I admit, that when Lord Dartmouth left it, (whoſe attention and candour were as uſeful to the public, as pleaſant to individuals) it became a nuiſance. Under Lord Sackville's management, it was converted to a war-office; and if I may deſcribe it allegorically, it was a "Pandora's box," from whence all the crimes and ſubſequent miſeries of the American war flew out. But ſomething to reſemble Hope, ſhould have been left at the bottom. The whole buſineſs of that Board is now by act of parliament veſted in a committee of the Privy-Council, to be named by the King, but to have no ſalaries. No Privy-Councillors have yet offered to undertake this charge; nor is it likely

that

that voluntary zeal will induce modern ſtateſmen to give their time and ſtudies to ſuch a difficult and laborious office. The Secretaries of State may be glad of the patronage; but there is too much buſineſs in their own departments to arrange all the mercantile concerns that are referred to Adminiſtration. Sure I am, the merchants and manufacturers will be grievouſly at a loſs for ſome certain intercourſe with Government; and if ever there was a time, *that* time is now preſent, when plans ought to be formed and digeſted, and a particular inceſſant attention given to every expedient that can be propoſed for the recovery and protection of trade and navigation.

YOUR deſire to write my thoughts on the Preliminaries has carried me far beyond the bounds of a Letter; but there ſtill remains a comment on the very ſingular mode of conducting this treaty, and on the power the Miniſter has aſſumed over the dominions of the Crown, and over private property, without compenſation to individuals, and without the conſent of Parliament.

THE French have been ever famous for their good management of treaties, and have always choſen the ableſt men that could be found to conduct them.—Perfect knowledge of the intereſts of Europe; a comprehenſive and intuitive knowledge of trade and navigation; habits in the official buſineſs of ſtate; a perſpicuity of intellects not to be over-reached, with a firmneſs of mind not to be ſubdued, are eſſential requiſites in the character of an Ambaſſador—which at this time were the more neceſſary, as they are poſſeſſed in an eminent degree by the Ambaſſador of America. I have heard that Mr. Oſwald was choſen, becauſe of his perſonal friendſhip with Dr. Franklin; but if the *idem ſentire de republicâ* was the cement of their friendſhip, the principles of the former would reſtrain him from much conteſt with the latter; and if he found himſelf of inferior ability to his opponent, his modeſty might incline him to give way, when he ought to have been moſt ſteady in reſiſtance. I don't ſay the American treaty was dictated by Dr. Franklin; but I am clear, that Dr. Franklin could have dictated nothing more to the ſatisfaction of his conſtituents than the very articles which Mr. Oſwald confirmed. For after giving up not only dominion,

minion, but the means of future ſtrength and greatneſs, to America, what has Great Britain in return?—The preamble, which is announced as the baſis of the treaty, runs thus: "*Whereas reciprocal advantages and mutual "convenience are found by experience to form the only permanent foundation of "peace and friendſhip between ſtates; it is agreed to form the articles of the "propoſed treaty on ſuch principles of liberal equity and reciprocity, as that, partial "advantages (thoſe ſeeds of diſcord) being excluded, ſuch a beneficial and ſatiſ-"factory intercourſe between the countries may be eſtabliſhed, as to promote and "ſecure to both perpetual peace and harmony.*" Theſe are flattering and hopeful promiſes; but what is the performance?—Nothing. The articles contain not a ſyllable of mutual convenience, or equity, or reciprocity; and inſtead of *excluding partial advantages*, they ſpecify nothing elſe; and if *partial advantages* are (as this preamble, perhaps, truly ſtates) the *ſeeds of future diſcord*, we may expect a new war to ſpring from them. The ſtate of our Weſt-Indies made it indiſpenſably and immediately neceſſary to have formed an intercourſe with the continent; from whence the Iſlands muſt depend for their ſupply of cattle, horſes, lumber, ſtaves, and every material uſed in the culture of plantations, together with moſt ſorts of proviſions for the negroes. No money was required to purchaſe theſe neceſſaries. The planter, in exchange, gave ſugar, rum, under-proof rum, molaſſes; and (what is of great conſequence, they took coffee and ſuch articles as are raiſed by the white ſettlers of ſmall property, whoſe capitals do not enable them to cultivate produce of a more valuable ſort. Theſe ſettlers, as far as they clear the ground, contribute to the healthfulneſs of the climate; their population adds to the comfort and convenience of the rich planter; and what is more, they conſtitute the natural ſtrength of the iſland; for they ſupply their militia, and are the beſt, if not the only defence againſt the dangers that ariſe, or may be apprehended from their ſlaves. If Great Britain has the means to furniſh lumber, it muſt be at an enormous expence; I preſume an hundred per cent. dearer than America, beſides the loſs of thoſe refuſe articles which include great part of the purchaſe-money in America. Should that country now inſiſt on carrying her own produce in her own bottoms, all benefit of the Iſlands (at leaſt as far as depends on navigation) will

will be loſt to Great Britain. Or ſhould America withhold her ſupplies, on the determination of Great Britain to confine the freights to Britiſh ſhips, I do not ſee how the Iſlands can ſubſiſt: yet have we given up all, without taking a ſtep towards ſettling this knotty point, which ſeems the moſt difficult to bring to a deſirable concluſion of any thing that occurs in all the perplexed ſituation of affairs. The opportunity once loſt, may not ſoon, nor eaſily, be regained. For though it is underſtood, that Congreſs, as warranted by the reſpective States, had authorized the commiſſioners to grant a beneficial and ſatisfactory intercourſe as the price of *Independence*; yet that point being fully aſcertained, they will hardly enter upon a new treaty without freſh inſtructions; nor is it likely that Congreſs will inſtruct them, without conſulting the reſpective States, by whom *a beneficial and ſatisfactory intercourſe* will not now be conſidered as an expedient to gain an acknowledgement of independence, but as an offer of advantageous commerce to Great Britain, which it is the very object of France at this moment to obtain. The ſubject will be argued as it would have been by the Flemings, at the time when *their* independence had been ratified in Spain, ſuppoſing that the Engliſh government had *then* deſired an excluſive treaty of commerce with them. The queſtion of debate muſt have been, whether they ſhould give the benefits of an important trade to thoſe who had attempted to eſtabliſh tyranny by fire and ſword; or to thoſe who enabled them to repel the invader; and not only to redeem themſelves and their poſterity from ſlavery and oppreſſion, but to change their ſtate from that of an humble Colony to an exalted Sovereignty? I need not ſuggeſt the reſult of the debate. The Spaniſh monarch, indeed, to ingratiate himſelf with his revolted ſubjects, did not abandon his adherents; but I am afraid, our Miniſter's deſertion of the Loyaliſts will raiſe the contempt of the Americans, yet not ſink their hatred.

It is ſaid, with authority, that Doctor Franklin propoſed a commercial treaty, on the condition of putting America on the ſame footing as the moſt favoured nation. Why that offer was not accepted, I am at a loſs to conceive; for every reaſon to favour the commerce of any European power, may be applied ten-fold in favour of America.—The ſouthern provinces

conſumed more Britiſh manufactures, and made more lucrative returns, than all Europe. From the northern provinces we ſhould import ſuch articles as are navigated through the Baltic; but with this difference—We ſend few manufactures to thoſe kingdoms, and pay the balance in ſpecie; whilſt America would be paid for all her exports in Britiſh goods. There may indeed be an apprehenſion of offending Ruſſia by ſuch a connection with America; but her diſguſt won't weigh a feather in the ſcale of commercial knowledge; for we have no comparative advantages in her trade: from her friendſhip we have nothing to expect, every thing from her enmity; for though her ſtate has been ſupported, and her navy encouraged here beyond all bounds of diſcretion; yet our enemies could deviſe nothing more injurious than that Armed Neutrality, which was projected in Ruſſia, and which repeals in its effect our navigation-act throughout all Europe.

But if further negotiations with the Americans in their preſent mood ſhould be found impracticable, you may aſk, What elſe is to be done? Should the legiſlature interpoſe?—By no means. Any regulations or reſtrictions from that quarter would be treated with deriſion, or ſomething worſe.—For, as 'twas the breath of Parliament which blew up that fatal war, might not the ſame breath rekindle the flames?

There are times and ſeaſons when ſilence is wiſdom, and when 'tis better to lye upon the oar than ſtruggle with the tide. A little reflection on the natural intereſt of the two countries may perhaps direct our courſe. Intereſt, you know, is the religion of trade; and if you open the door, her votaries will reſort to the temple. The competition for the trade of America will lie between England and France; let us enquire to which country the intereſt of America will attract her commerce. The trade of the ſouthern provinces, including Virginia, the Carolinas and Georgia, is of a different nature from the northern ones;—the latter conſiſting of the exports of timber, iron, lumber, fiſh and other articles, for which the exporter may be paid either in ready money, or Weſt-India produce, or European goods. But the ſouthern exports are of tobacco, indigo, and rice; and the cargoes worth from ten to forty thouſand pounds each. Theſe cannot be

paid

paid for in ſpecie, and it is more for the planter's intereſt to take goods which he can ſell to advantage. They muſt have warehouſes and lodgements for ſtowage at the places of importation; accounts muſt be opened, and a mutual extenſive credit be eſtabliſhed betwixt the exporting and importing merchants.

In France, the choice is leſs, the price greater, and in general the quality of manufactures much inferior to thoſe of Great Britain. The laws are ſo ill-adminiſtered, that a tradeſman, if he has the misfortune to get into a law-ſuit, knows not on what ground to ſupport his cauſe—in ſo much that the inſecurity of mercantile property is a conſiderable check upon the trade of France; but this diſadvantage muſt ſtrike an alien more than a native. The American underſtands not the law, nor even the language of France.—But in England, where he will find cheaper, better, and more variety of goods, he will alſo be protected in the property he tranſmits, by an equal and known law, which he will ſhare in common with all Engliſhmen; he may learn the ſituations and characters of thoſe whom he entruſts, and (what is both a pleaſant and uſeful circumſtance) he and his correſpondent will tranſact their buſineſs each in his own native tongue. Theſe are ſtrong attractions; but whatever blocks are in the way muſt be removed. When I deprecated the interference of Parliament, I meant as to its *enacting*, not *repealing* powers; for common ſenſe dictates the repeal of every act, and of every clauſe in every act, that impedes the revival of our commerce with America. I do not except even the navigation-act itſelf. That ſtatute is the child of power, as all naval empire is. Mr. Selden grounds the whole argument of his *Mare Clauſum* not upon reaſon, but upon this fact; that thoſe ſtates which have had the moſt powerful fleets, have always claimed the dominion of the ſea. Whether England is longer able to ſupport that claim, is in the breaſt of time: but the Armed Neutrality, if at all conſequential, renders the navigation-act of no force in Europe; it is annulled in North America; and if adhered to in the Weſt-Indies, muſt diſtreſs at preſent, and may, ere long, alienate our remaining colonies.

At this dawn of peace, would it not brighten the ſcene, were the thirteen ſtripes to enter the Thames free and unqueſtioned, and ſtill as Engliſhmen?—There is no legal impediment to ſuch a reception. For though Congreſs has aſſerted, and the King's Miniſters have awarded the independence of America; though both Houſes of Parliament have by their votes aſſented to the treaty; yet neither an order of Congreſs, nor an act of State, nor a vote of Parliament, can abrogate an inherent right; and an act of the legiſlature is ſtill wanting to disfranchiſe the American of his birth-right in the law. But throwing law out of the queſtion, policy ſeems to recommend this courſe, at leaſt till ſome commercial ſettlements take place. Once open a trade, and the Americans will ſee and compare the difference of trading with Britain and with France.—They will find by experience where the beſt ſecurity reſides, and where moſt profit is to be acquired. They may have opportunities to renew old habits, old friendſhips, and old correſpondencies. They will alſo learn, that 'twas the government, not the people, that were hoſtile to them; and that men of the better principle, better opinion, better information, always held the war in execration, and did not repine at the events that brought it to a concluſion.

Your deſire to write my thoughts on the Preliminaries has already carried me beyond all bounds of a Letter—to a length that will ſeem, I fear, an unwarrantable treſpaſs on your patience. The ſubject has drawn me on, and there ſtill remains a comment to be made, both on the mode of conducting this buſineſs, and on the legal powers of the Crown in making treaties.

The public prints extol beyond meaſure the profound ſecrecy in which this buſineſs has been carried.—Secrecy is the peculiar attribute of deſpotiſm, but belongs to no free government; leaſt of all to that of England, where the conſtitution is the buſineſs of every Briton; where trade is common to all men; where no property can be touched but by warrant of law, and the ſovereign is not proprietor, but adminiſtrator, of the ſtate. And if open diffuſive councils, and general information, are ever neceſſary, they are ſo on ſettling the terms of peace. Private information is always futile,

often

often miſchievous; Miniſters don't aſk it ſo much for general ends, as to make it ſerve for their own juſtification; and in ſuch conferences, a few leading queſtions ſuggeſt the anſwers. For inſtance: A great Miniſter is ſaid to have conſulted a great Admiral on the Fiſheries; and the Admiral told the Miniſter, that the greateſt plenty of the beſt fiſh was to be found in the very diſtrict that is reſerved to the Engliſh by the treaty; on which the Miniſter ſuppoſed that he had ſecured to Great Britain a ſuperiority in the Fiſheries; whereas both Admiral and Miniſter ought to have known, that the advantages are not owing to the quality or quantity of fiſh, (allowing fiſh to have a certain habitation in theſe ſeas) but a great home-conſumption, or a reſidence on the coaſt, an early acceſs, and cheap ſale in the European markets.

THIS intelligence muſt have reſulted from public enquiry. Secrecy was neceſſary to the completion of the Partition-treaty, and King William moſt emphatically enjoined it; but the 2d article of the impeachment of Lord Somers was, that (the king being abroad) he had acted without conſulting the other Lords Juſtices; and the 4th article is, that he put the ſeals to a warrant without conſent of the Privy-council.—The Miniſters of Queen Anne were ſufficiently tenacious of prerogative, yet they laid before Parliament, not only the preliminaries, but the previouſly concerted plan on which they were to be formed.—Still the Whigs in the Houſe of Commons complained that the negotiations had been carried on in a *clandeſtine* manner; and in the Houſe of Peers, Lord Cowper cenſured the Miniſters for keeping them ſo much in the dark. One of the accuſations againſt Lord Bolingbroke was, for his ſecret tranſactions with Mr. Meſnager; and the 1ſt article of impeachment againſt Lord Oxford is, that he had entered into a negotiation with France without the Allies, and agreed to *keep it ſecret*.—I do not wiſh to lengthen my Letter with compariſons, but there was a darkneſs in the management of the late Treaties beyond example.

THERE is no part of our Conſtitution better than that the Crown can only act by its ſworn Counſellors; hence the old adage, that *the King of England is always a Minor*. The people have therefore a right to know who its adviſers are, becauſe thoſe adviſers are reſponſible to the people; but it

has not tranſpired who are the Counſellors that adviſed the terms of the Preliminaries.— Nor do I know when the idea was raiſed, that prerogative is above advice, eſpecially in the inſtance of making peace and war. Sure I am, it is not founded in precedent or reaſon. For of all national undertakings, war is that which requires moſt deliberation, with all the ſanction and aſſiſtance of public counſels. To involve a people in the oppreſſions of taxation, and laviſh away their lives, and to create all the havock and miſeries of war, is too much for private opinion and private judgement. Many a fatal war has ariſen from the ambition, avarice, reſtleſsneſs, hatred and pride of individuals.

This war with Holland commenced during the ſeſſion of Parliament, but without any communication; and I hardly think we ſhould have preſſed the forces of that country into the quarters of our numerous enemies, had either the policy or principle of that meaſure been ſubmitted to open and fair diſcuſſion. In truth, a King of England can never act with propriety or dignity but in his repreſentative character; and a great civilian * mentions it as a peculiar felicity to the Engliſh nation, that the King is bound to conſult his Parliament in the principal operations of his government. In the abſtract propoſition it is true, that to declare war with the advice of the Privy-council, is inherent to prerogative; but the neceſſity of aſking ſupplies inforces the natural obligation of conſulting the repreſentatives of the people. If you examine our hiſtory, you will find very few inſtances of either war or peace being concluded without the advice of Parliament. Let me ſet down an inſtance or two ſelected from the annals of the greateſt, wiſeſt, and beſt of our princes. In 1348, Edward the Third had the conſent of Parliament to that war which he conducted with ſo much glory in France. He again aſked the advice of Parliament before he engaged in a war with Scotland. Henry the Fifth took the ſame courſe. And Queen Elizabeth did not declare war againſt Spain, till ſhe had the full aſſent and approbation of Parliament.

* M. De Vattel.

In

In the reign of Edward the Firſt, the regular ſyſtem of Parliaments was firſt inſtituted; King, Lords, and Commons then became three diſtinct bodies, each independent of the other. At that period, the King ſummoned a Parliament for the ſole purpoſe of conſulting them on terms of a propoſed peace with France.—And in 1354, Edward the Third called a Parliament to conſider how they might treat for peace with France: and the year after, he ſent his Lord Chamberlain to inform the Lords and Commons, "There were great hopes of bringing about a peace, by means of "certain commiſſioners appointed on both parts;" *yet the King would not conclude any thing without the conſent of his Lords and Commons.*

Nor did even the laſt Miniſters of Queen Anne, with all their high-flown notions of prerogative, neglect to aſk the advice, to court the ſanction, and abide by the judgement of Parliament. It is true, Lord Oxford created twelve peers at once, to procure a vote of approbation in the Houſe of Lords; and he afterwards pleaded that vote of approbation in bar of his impeachment; although the 16th article of that impeachment was, that "*he had as far as in him lay deſtroyed the independency of the Houſe of Lords, by "cauſing the Queen to create twelve peers at once to ſerve his ends.*" Still the rule and principle of conſulting Parliament was obſerved; but before Chriſtmas laſt, Parliament having been appointed to meet early in November, the two Houſes were adjourned for this very purpoſe, that they might *not* be conſulted before the Preliminaries were ſigned.

My newſpapers informed me, that on the 17th of laſt month (February) an amendment to the addreſs was propoſed in the Houſe of Lords, and rejected; but carried in the Houſe of Commons by a majority of ſixteen. This amendment is, *To thank his Majeſty for having put a ſtop to the calamities of war by a peace which they muſt conſider as binding, and not to be infringed without a violation of the national faith.* It further ſays, *We cannot help lamenting the neceſſity which bids us ſubſcribe to articles, which, conſidering the relative ſituation of the belligerent powers, we muſt regard as inadequate to our juſt expectations, and derogatory to the honour and dignity of Great Britain.*

This

THIS amendment does not ſeem accurate in terms. In policy, it may poſſibly be right to confirm the Preliminaries, yet are they not binding on the national faith. The faith of the nation is bound to nothing that is contrary to law and the conſtitution; and I have a pretty ſtrong opinion, that the Miniſters have exceeded the legal and conſtitutional bounds of their power, at leaſt in three inſtances:

FIRST, Diſpenſing with the ſtatute 14 Geo. III.

SECONDLY, In diſmembering the empire, and alienating territories that were not the ſeat of war.

THIRDLY, In the diſpoſal of private property, particularly in Eaſt-Florida, without conſent of the proprietors, and without offering a compenſation to them.

THE Crown having the right to make war and to direct all its operations, has the natural and conſequential right to limit its courſe, appoint its end, to prepare, diſcuſs, and ſtipulate the conditions of peace; but in this, as in all other acts of ſtate, and under every limited government upon earth, the law muſt be taken for the ruler and the guide.—In deſpotic ſtates, the will of the ſovereign is concluſive, for the laws are ſubjected to his will; nor could there be any certainty in treating with an abſolute prince, if his will was not deciſive.

THEY (I know) who aſſert the claim of a *prerogative above law*, in the circumſtance of making peace here, rely on the tenets of the civil law, and the authority of writers on that ſubject. You will have little ſatisfaction in conſulting thoſe authors in general; for they are apt to contradict, not each other only, but themſelves; and having no fixed rules to guide them, they ſet down that to be the law of nature and of nations, which ſtrikes them at the moment as fit and right in their own opinion. But in none of their books have I yet found ſo extravagant a poſition, as that any limited ſovereign

vereign has a right to violate a poſitive and fundamental law. M. de Vattel, who appears to have collected all that is uſeful and practicable in the ſtudy of civil law, affirms the contrary; for he ſays, "*In the fundamental "laws of every ſtate, we muſt ſee what is the power of contracting with validity "in the name of the ſtate.*"

WHY are laws made to control the executive power in making war and peace, if thoſe laws are not to be regarded?—In Sweden, all power is now ſurrendered into the hands of the king; but till that recent period, he was reſtrained from making war without the conſent of the whole repreſentative body aſſembled in diet, and from making peace without the conſent of the ſenate.—By the conſtitution of the United Provinces, the States-General cannot make peace nor war, nor alliance nor treaty with any foreign power, but by the conſent of all the deputies of all the provinces; nor was this conſtitution ever infringed, except in the ſingle inſtance of making the triple alliance betwixt Holland, Sweden and England, on which the ſafety of their ſtate depended, and which could not have been effected, had the forms of the conſtitution been adhered to. Sir William Temple, on that great occaſion, prevailed on their High Mightineſſes to ſign the treaty without conſulting their conſtituents; but they did it (he ſays) at the peril of their heads; nor could the treaty have been carried into execution, had not the unanimous conſent of all the deputies been afterwards obtained.—If a treaty is manifeſtly pernicious to a ſtate, and there exiſt an authority to control the executive power, ſuch treaty without breach of faith may be annulled; as the Parliament of England annulled the ninth article of the treaty of Utrecht—and yet no violation of national faith was ever imputed on that account.—But I reſt too long on this point; for I truſt no Engliſhman is ſo ill-informed, or ſo ill-diſpoſed, as to maintain the propriety of a diſpenſing power. James II. as head of the church, diſpenſed with the laws about religion; and would he have been leſs criminal, if, as head of the ſtate, he had preſumed to diſpenſe with the laws in any political meaſures of his government?

You will be convinced likewiſe, that the Crown, in a treaty of peace, has no right to diſmember the empire. This point was ſolemnly determined in France, in 1525 *, Francis the Firſt having, by the treaty of Madrid, ceded to the Emperor Charles the Fifth the Duchy of Burgundy.—But the States General aſſembling at *Cognac*, declared the treaty void; becauſe, by the fundamental law of France, the King has no right to alienate the dominions of the Crown.

In 1368, Edward the Third, having made peace with the King of Scotland, on account of being diſcharged from all homage to the Crown of England, aſked the conſent of Parliament, which they refuſed; for they ſaid, "*They could not aſſent to any ſuch peace, without a diſinheriſon of the King, his "heirs and crown.*"

And, by the ſtatute 1ſt Anne, the King is reſtrained from alienating the crown lands, though as much appropriated to his uſe as any private eſtate of the ſubject.

In direction therefore to ſtates who are to negotiate with Great Britain, M. de Vattel, in his treatiſe on the law of nations, gives this ſentence: "*The Kings of England conclude treaties of peace and alliance; but by theſe trea-"ties they cannot alienate any of the poſſeſſions of the Crown without the conſent "of Parliament.*"

In regard to the property of the ſubject, the Crown cannot ſurely exerciſe a greater power than the whole Legiſlature; which, when public neceſſity or great public good require it, does aſſume the diſpoſal of private property; but not without conſent of the owner, if that conſent can poſſibly be obtained; nor in any caſe whatever, without an adequate compenſation. And the great civilian I have already quoted, ſtates this to be the law of nations. "*The neceſſity of making peace* (he ſays) *authorizes the Sovereign to*

* There was at that time a repreſentative body in the States-General of the kingdom, who ſtood as a barrier betwixt the King and People. But the States-General are by diſuſe fallen into extinction, and the King remains abſolute. Mezeray.

"*diſpoſe*

" diſpoſe of things, even belonging to private perſons; but theſe ceſſions being " made for the common advantage, the ſtate is to indemnify the citizens who are " ſufferers by them."

I TRUST no unfounded diſtinction will be made as to the locality of the property diſpoſed of by the treaty. Whether it lies in Eaſt-Florida, or in Middleſex, 'tis held by the tenure, and under the protection of the ſame law; nor has the Miniſter had a better right to diſpoſe of one than of the other, if neither has been the ſeat of war.

I HAVE at laſt finiſhed the taſk you aſſigned me, and ſhall be glad if the p rformance gives you any ſatisfaction. You muſt accept it as the inveſtigation of an obſcure old book-worm, who has long been habituated to meaſure acts of ſtate by the rule of our conſtitution, and who once applied his time and attention to the ſtudy and concerns of trade. Perhaps you may mingle ſome of the facts with the debates of your evening circle, where your little ſenate meets to ſettle the policy of nations, and where, in mimickry of modern ſtateſmen, you may illuſtrate a borrowed information.

NOTHING but your earneſt requeſt ſhould have drawn this comment from me; which I partly repent, becauſe the meaſure it ſcrutinizes is Lord Shelburne's, of whoſe honour, ability, induſtry, and knowledge, I have often told you my real opinion.

MY obſervations may be found groundleſs and frivolous; but if you adopt them, you will conſider that, in compliance with the wiſhes of thoſe who cried for peace on any terms, to heal the wounds, and prevent the further diſtreſſes of an unfortunate war, Lord Shelburne has procured this treaty. I own my wiſhes, that the conſummation might remain in the ſame hands that undertook it; but in the preſent temper of the Houſe of Commons, it ſeems as if his Lordſhip and his friends would be ſoon removed.—Forgetting as I do, and forgotten by, public men, I can only wiſh they may all go on and proſper in the ſervice of their King and Country; but they will find it no eaſy matter to conſolidate a work, which they take up

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in a very disjointed ſtate; nor do I ſee with what grace they can ſet their own names to a meaſure which they have ſtigmatized as inadequate and diſhonourable.

I WILL ſend you my remarks on the Definitive Treaty when it appears; but ſhall not allow the truth of its epithet, if it ſubſtantiates nothing more than the Preliminaries. The ſucceſſors of Lord Shelburne will, however, receive the charge of an empire ſtill more extenſive than Elizabeth poſſeſſed in all her glory, when the poet thus deſcribed our iſland:

O England! model of thy inward greatneſs,
Like little body with a mighty heart,
What mightſt thou do, that honour wou'd thee do,
Were all thy children kind and natural!
But, ſee thy fault; in thee is found a neſt
Of hollow boſoms.——— SHAKESPEARE.

I hope, the laſt line and half won't apply to any of the enſuing Adminiſtration. In one of them, I am ſure you will find nothing but a *ſound boſom* with a *ſound* judgement; I mean the Duke of Portland, whom my newſpaper, that came this morning, deſtines to the firſt employment of the ſtate.

I am Yours,

P. Q.